

Official Title and Summary

Prepared by the Attorney General

REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT.

- Amends process for redistricting California’s Senate, Assembly, Congressional and Board of Equalization districts.
- Requires panel of three retired judges, selected by legislative leaders, to adopt new redistricting plan if measure passes and after each national census.
- Panel must consider legislative, public comments/hold public hearings.
- Redistricting plan effective when adopted by panel and filed with Secretary of State; governs next statewide primary/general elections even if voters reject plan.
- If voters reject redistricting plan, process repeats, but officials elected under rejected plan serve full terms.
- Allows 45 days to seek judicial review of adopted redistricting plan.

SUMMARY OF LEGISLATIVE ANALYST’S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- One-time costs for a redistricting plan. State costs totaling no more than \$1.5 million and county costs in the range of \$1 million.
- Potential reduction in costs for each redistricting effort after 2010, but net impact would depend on decisions by voters.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Every ten years, the federal census counts the number of people living in California. The California Constitution requires the Legislature after each census to adjust the boundaries of the districts used to elect public officials. This process is called “redistricting” (or sometimes “reapportionment”). The primary purpose of redistricting is to establish districts which are “reasonably equal” in population. Redistricting affects districts for the state Legislature (Assembly and Senate), Board of Equalization (BOE), and the U.S. House of Representatives.

Typically, redistricting plans are included in legislation and become law after passage of the bill by the Legislature and signature by the Governor. In the past, when the Legislature and Governor have been unable to agree on redistricting plans, the California Supreme Court oversaw the redistricting.

PROPOSAL

This measure amends the California Constitution to change the redistricting process for the state Legislature, BOE, and California members of the U.S. House of Representatives.

Panel of Retired Judges. This measure requires that a three-member panel of retired federal and/or state judges (“special masters”) develop redistricting plans. The measure requires that the judges meet a number of criteria, including that they have never held partisan political office. (The nearby box provides more detail on the selection process for the special masters.)

Requirements of District Boundaries. The measure adds new requirements regarding the drawing of district boundaries. Among these requirements are:

- For the Legislature and BOE, population differences among districts cannot exceed 1 percent.
- Senate districts must be comprised of two adjacent Assembly districts, and BOE districts must be comprised of ten adjacent Senate districts.
- The plan must minimize the splitting of counties and cities into multiple districts.

In addition, when drawing boundaries, the panel could not consider information related to political party affiliations and other specified matters.

Schedule. A panel would be required to develop a redistricting plan for use at the next primary and general elections following the measure’s approval and then following each future federal census.

ANALYSIS BY THE LEGISLATIVE ANALYST (CONTINUED)

Approval Process. In developing a plan, the panel would have to hold public hearings and could receive suggested plans from the public and the Legislature. Once the panel unanimously approves a redistricting plan, the plan would be used for the next primary and general elections. The Secretary of State would place the plan on the general election ballot for the voters to consider. If the voters approve the plan, it would be used until the next redistricting is required. If the voters reject the plan, another panel would be appointed to prepare a new plan for the next primary and general elections.

Funding. The measure specifies that the Legislature must make funding available from the Legislature’s budget (which is limited under the State Constitution) to support the work of the panel.

MAJOR STEPS TO SELECT REDISTRICTING PANEL UNDER PROPOSITION 77	
1.	Judicial Council (an administrative body of the court system) collects list of retired judges willing to serve on a panel. The judges must not have: <ul style="list-style-type: none"> • Held partisan political office. • Changed their party affiliation since their judicial appointment. • Received income over the past year from specified political sources.
2.	Judicial Council randomly selects a pool of 24 judges from the list of volunteers. The two largest political parties must have equal representation.
3.	The four legislative leaders (two each from the majority and minority parties) nominate a total of 12 judges from the pool. The leaders each nominate three judges with party affiliations different than their own. Each leader is then able to eliminate one of the nominated judges.
4.	From the nominated judges remaining on the list, three judges are selected at random to serve as the panel. Each of the two largest political parties must have at least one representative.
5.	The selected judges pledge, in writing, to not run for offices affected by the districts they draw or accept public jobs (other than judicial or teaching) for the next five years.

This could include employment of legal and other experts in the field of redistricting and computer technology. Funding for the panel would be limited to a maximum of one-half of the amount spent by the Legislature on redistricting in 2001 (adjusted for inflation beginning after the 2010 federal census). For the first redistricting plan under the measure (to be developed for use at the next primary and general elections following the measure’s approval), the funding would be provided from the state General Fund.

FISCAL EFFECTS

Panel Allowable Costs. The Legislature spent about \$3 million in 2001 on redistricting. This measure would limit panel costs for future redistricting efforts to half of this amount, adjusted for inflation. Therefore, the maximum amount allowable under the measure for each future panel would be about \$1.5 million.

One-Time Redistricting Costs. Under existing law, the next redistricting plan would not be developed until after the 2010 federal census. The measure, however, requires that a redistricting plan be developed for use at the next primary election following the measure’s approval. This additional redistricting plan would result in one-time state costs, which would total no more than \$1.5 million for the panel’s work. In addition, counties would experience some added one-time costs to implement the new district boundaries. These costs could be in the range of \$1 million.

Impact on Future Redistricting Costs. The preparation of future redistricting plans (after 2010) under the measure would be on the same schedule as existing law. Due to the measure’s limit on a panel’s redistricting costs, there could be a reduction in the total amount the state spent for each redistricting effort. Any such savings would be available for other legislative expenses under the existing cap. If, however, voters rejected any redistricting plan, there would be some additional state and county costs for a new plan to be developed and implemented. Thus, the net impact on future redistricting costs in any decade would depend on decisions by voters.

Election Costs. Because the measure requires the redistricting plans to be approved by voters, it would result in costs to the state and counties each time a plan was placed on the ballot. These costs primarily would be related to preparing and mailing election-related materials. Since the approval of the plans could be consolidated with existing elections, the increased costs of the measure would probably be minor.